

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/443,250	EDEM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phuongchau Ba Nguyen	2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-12-5 RCE.
2. ☒ The allowed claim(s) is/are 1-87, 14-151, 88-95, 152-158, 96-128, 159-165, 129-143, 166-172, 144, 173-240; Renumbered as 1-240 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
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| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>7-11-5</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>8-25-5</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Loudermilk on 8-25-5.

2. The application has been amended as follows:

**-Claim 180, line 2,** ---in a system--- had been inserted after the word "method"

**-Claim 192, line 2,** ---in a system--- had been inserted after the word "method"

**-Claim 204, line 2,** ---in a system--- had been inserted after the word "method"

**-Claim 216, line 2,** ---in a system--- had been inserted after the word "method"

**-Claim 228, line 2,** ---in a system--- had been inserted after the word "method"

**-Claim 240, line 2,** ---in a system--- had been inserted after the word "method"

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-15, the prior art fails to teach in a data communication network comprising a hub coupled to at least one node, an apparatus for establishing communication between the hub and a node comprising "a protocol identifying circuit coupled to the hub receiver for identifying the communication protocol indicated by the

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node protocol signal from among a plurality of possible communication protocol with which the hub is capable of communicating; and wherein the hub transmitter includes a communication circuit for communicating with the node using the communication protocol indicated by the node protocol signal in response thereto," which is considered in combination with other limitations, as specified in the independent claim 1.

Regarding claims 16-23, the prior art fails to teach in a data communication network comprising a hub coupled to at least one node, an apparatus for establishing communication between the hub and a node comprising "a protocol identifying circuit coupled to the node receiver for identifying the communication protocol indicated by the hub protocol signal from among a plurality of possible communication protocols with which the node is capable of communicating; and a node transmitter coupled to the protocol identifying circuit for transmitting a node protocol signal, including a format for a data transmission, to the hub indicating that communication between the hub and the node will take place with the protocol indicated by the hub protocol signal," which is considered in combination with other limitations, as specified in the independent claim 16.

Regarding claims 24-56, the prior art fails to teach in a data communication network comprising a hub coupled to at least one node, an apparatus for establishing communication between the hub and a node comprising "a first protocol identifying circuit coupled to the node receiver for identifying the communication protocol indicated by the hub protocol signal from among a plurality of communication protocols with which the node is capable of communicating; a node transmitter coupled to the node receiver

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for transmitting a node protocol signal to the hub, the node protocol signal indicating the communication protocol including a format for a data transmission, indicated by the hub protocol signal if the communication protocol indicated by the hub protocol signal is the communication protocol with which the node is capable of communicating," which is considered in combination with other limitations, as specified in the independent claim 24.

Regarding claims 57-71, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a first protocol identifying circuit coupled to the first endpoint receiver for identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of communication protocols with which the first endpoint is capable of communicating; and a communication circuit in said first endpoint transmitter responsive to said protocol identifying circuit for communicating with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 57.

Regarding claim 72, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a first protocol identifying circuit coupled to the first endpoint receiver for identifying the communication protocol indicated by the second endpoint protocol signal from among a

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plurality of communication protocols with which the first endpoint is capable of communicating; and a communication circuit in said first endpoint transmitter responsive to said protocol identifying circuit for communicating with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 71.

Regarding claims 73-87, 14-151, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a first endpoint protocol identifying circuit coupled to the first endpoint receiver for identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of possible communication protocols with which the first endpoint is capable of communicating; and wherein the first endpoint transmitter includes a communication circuit for communicating with the second endpoint using the communication protocol indicated by the second endpoint protocol signal in response thereto," which is considered in combination with other limitations, as specified in the independent claim 73.

Regarding claims 88-95, 152-158, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a second endpoint protocol identifying circuit identifying the communication protocol indicated by the first endpoint protocol signal from among a plurality of possible

communication protocols with which the second endpoint is capable of communicating; and the second endpoint transmitter transmitting a second endpoint protocol signal to the first endpoint indicating the communication between the first endpoint and the second endpoint will take place with the protocol indicated by the first endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 88.

Regarding claims 96-128, 159-165, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a first endpoint protocol identifying circuit identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of communication protocols with which the first endpoint is capable of communicating; and wherein the first endpoint transmitter includes a communication circuit communicating with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 96.

Regarding claims 129-143, 166-172, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a first endpoint protocol identifying circuit identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of possible communication protocols with which the first endpoint is capable of

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communicating; and a first endpoint communication circuit responsive to the first endpoint protocol identifying circuit for communicating with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 129.

Regarding claims 144, 173-179, the prior art fails to teach in a data communication network comprising at least first and second communication endpoints, an apparatus for establishing communication between the first and second endpoints comprising "a first endpoint protocol identifying circuit identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of possible communication protocols with which the first endpoint is capable of communicating; and a first endpoint communication circuit communicating with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 144.

Regarding claims 180-191, the prior art fails to teach in a data communication network comprising at least one first endpoint coupled to at least one second endpoint, a method in a system for establishing communication between a first endpoint and a second endpoint comprising the steps of "identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of possible communication protocols with which the first endpoint is capable of communicating; and wherein the first endpoint transmitter communicates with the second endpoint using the

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communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 180.

Regarding claims 192-203, the prior art fails to teach in a data communication network comprising at least one first endpoint coupled to at least one second endpoint, a method in a system for establishing communication between a first endpoint and a second endpoint comprising the steps of "identifying the communication protocol indicated by the first endpoint protocol signal among a plurality of possible communication protocols, including a format for a data transmission, with which the second endpoint is capable of communicating; and transmitting a second endpoint protocol signal to the first endpoint indicating that communication between the first endpoint and the second endpoint will take place with the protocol indicated by the first endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 192.

Regarding claims 204-215, the prior art fails to teach in a data communication network comprising at least one first endpoint coupled to at least one second endpoint, a method in a system for establishing communication between a first endpoint and a second endpoint comprising the steps of "identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of communication protocols with which the first endpoint is capable of communicating; wherein the first endpoint transmitter communicates with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is



considered in combination with other limitations, as specified in the independent claim 204.

Regarding claims 216-227, the prior art fails to teach in a data communication network comprising at least one first endpoint coupled to at least one second endpoint, a method in a system for establishing communication between a first endpoint and a second endpoint comprising the steps of "identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of possible communication protocols with which the first endpoint is capable of communicating; and communicating between the first endpoint and the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 216.

Regarding claims 228-239, the prior art fails to teach in a data communication network comprising at least one first endpoint coupled to at least one second endpoint, a method in a system for establishing communication between a first endpoint and a second endpoint comprising the steps of "identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of possible communication protocols with which the first endpoint is capable of communicating; and communicating between the first endpoint and the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 228.

Regarding claim 240, the prior art fails to teach in a data communication network comprising at least one first endpoint coupled to at least one second endpoint, a method in a system for establishing communication between a first endpoint and a second endpoint comprising the steps of "identifying the communication protocol indicated by the second endpoint protocol signal from among a plurality of communication protocols with which the first endpoint is capable of communicating; wherein the first endpoint transmitter communicates with the second endpoint using the communication protocol indicated by the second endpoint protocol signal," which is considered in combination with other limitations, as specified in the independent claim 240.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665

**DUCHO**  
**PRIMARY EXAMINER**

  
9-28-05